

BOARD OF APPEALS CASE NO. 5169

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BEFORE THE

APPLICANTS: S & S Auto Properties, LLC

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ZONING HEARING EXAMINER

REQUEST: Variances to permit 3 free-standing signs in the CI District; 1800 Belair Road, Fallston

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OF HARFORD COUNTY

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Hearing Advertised

HEARING DATE: November 5, 2001

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Aegis: 8/22/01 & 8/29/01

Record: 8/24/01 & 8/31/01

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ZONING HEARING EXAMINER'S DECISION

The Applicant, S & S Auto Properties, LLC, is seeking a variance, pursuant to Section 219-13C(1)(g)[2] of the Harford County Code, to allow more than two (2) freestanding signs on each road frontage (three [3] signs proposed) in a CI/Commercial Industrial District.

The subject parcel is located at 1800 Belair Road, Fallston, Maryland 21047 on the west side of U.S. Route 1 between Milton Avenue and Connolly Road, and is more particularly identified on Tax Map 55, Grid 2D, Parcel 137/136/85. The property consists of 9 acres, is zoned CI/Commercial Industrial and is entirely within the Third Election District.

Gordon W. Priest, Jr., Esquire, appeared as representative and counsel for the Applicant. Mr. Priest proffered that the property is used by Schaefer and Strohming auto sales for the sales and service of Honda and Dodge automobiles. Each manufacturer requires its own sign and will not allow another car maker to appear on the sign nor the dealership. Thus, the Applicant needs three signs; one for Dodge, one for Honda and one to advertise the dealership's name. Mr. Priest described the overall property as consisting of three parcels with only two large enough to develop. If the parcels had remained intact, each parcel could have had sufficient signage that no variance would be needed. There is substantial road frontage, however, so that the addition of one sign will not represent a proliferation of signage. Additionally, the total square footage of the signs will not exceed the square footage allowed for the parcel.

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Without the variance approval, the dealership would have no ability to advertise its dealership much like other auto dealers are permitted to do. Mr. Priest did not feel as though the grant of the variance would adversely impact neighboring properties, all of whom are also commercial and/or retail uses with signage of their own.

The Department of Planning and Zoning finds the parcel unique in that the total property was originally three parcels that have been combined - only two of the three were developable. The Department agrees that the Applicant will not exceed the total square footage of signage allowed under the Code and recommends approval of the request.

CONCLUSION:

The Applicant, S & S Auto Properties, LLC, is seeking a variance, pursuant to Section 219-13C(1)(g)[2] of the Harford County Code, to allow more than two (2) freestanding signs on each road frontage (three [3] signs proposed) in a CI/Commercial Industrial District.

Section 219-13C(1)(g)[2] of the Harford County Code provides:

- (1) Signs erected on and attached to commercial or industrial buildings. The total area of all signs erected on and attached to commercial or industrial buildings shall not exceed four (4) square feet per each linear foot of building width measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on two (2) streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

(g) Freestanding signs.

- [2] For other commercial or industrial activity. Two (2) freestanding signs identifying commercial or industrial activity other than community shopping centers shall be allowed on each road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in §219-5B.

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Also applicable is Section 219-5B, which provides:

“Freestanding signs. A freestanding sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be freestanding if the property has a minimum of forty (40) feet of road frontage. The sign area shall be calculated on the basis of one (1) square foot of sign for every foot of property road frontage. However, the maximum area of any freestanding sign shall not exceed two hundred (200) square feet. The setback measured to the edge of the sign shall be equal to one-third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is thirty-five (35) feet above the nearest public road grade.”

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

The Hearing Examiner agrees with the Applicant that the circumstances of this property are unique. There were actually three parcels that comprise the present property. Only two of those parcels were developable. The Applicant operates an auto dealership on the property. The dealership sells Honda and Dodge automobiles and each of those auto manufacturers requires a separate freestanding sign advertising its auto type.

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The dealership, however, would also like to advertise its own name and the service aspects of its business but it is not permitted by either auto manufacturer to include such advertising on the auto maker's sign. The subject property has 1,300+ feet of road frontage and that substantial span allows an additional sign to be placed on the property without resulting in an unwanted and obtrusive proliferation of commercial signage. The surrounding properties are all commercial/retail uses and signage is common and numerous along this part of U.S. Route 1. There are a number of auto dealers in the immediate vicinity including a Mitsubishi dealership directly adjacent to the subject parcel; consequently, signage of the nature and number requested will not have an adverse impact on neighboring parcels.

The Hearing Examiner, for the foregoing reasons, recommends approval of the Applicant's request, subject only to the necessity of obtaining necessary permits and inspections.

Date NOVEMBER 27, 2001

William F. Casey
Zoning Hearing Examiner